

Christopher B. Ghio (State Bar No. 259094)
Christopher Celentino (State Bar No. 131688)
Yosina M. Lissebeck (State Bar No. 201654)
DINSMORE & SHOHL LLP
655 West Broadway, Suite 800
San Diego, CA 92101
Telephone: 619.400.0500
Facsimile: 619.400.0501
christopher.ghio@dinsmore.com
christopher.celentino@dinsmore.com
yosina.lissebeck@dinsmore.com

Tyler Powell (Ky. Bar No. 90520 – Admitted pro hac vice)
Dinsmore & Shohl LLP
100 West Main Street, Suite 900
Lexington, KY 40507
Telephone: 859-425-1056
Facsimile: 859-425-1099
tyler.powell@dinsmore.com

Special Counsel to Richard A. Marshack, Chapter 11 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re
THE LITIGATION PRACTICE GROUP P.C.,
Debtor.

Case No. 8:23-bk-10571-SC

Chapter 11

**STIPULATION BETWEEN CHAPTER
11 TRUSTEE AND CITY CAPITAL NY,
LLC DBA CITY CAPITAL NY
REGARDING TREATMENT OF
PROOF OF CLAIM NO. 89**

[No Hearing Required Pursuant to Local
Bankruptcy Rule 9013-1(o)]

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY
JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED
PARTIES:**

1 This Stipulation ("Stipulation") is entered into by and between Richard A. Marshack, in his
2 capacity as Chapter 11 Trustee ("Trustee") of the Bankruptcy Estate ("Estate") of The Litigation
3 Practice Group P.C. ("LPG" or "Debtor"), and Creditor City Capital NY, LLC dba City Capital NY
4 ("City") with regard to the following:

5 **RECITALS**

6 **A.** On March 20, 2023, the Debtor filed a voluntary petition under Chapter 11 of Title 11
7 of the United States Code, commencing this bankruptcy case.

8 **B.** On May 8, 2023, Richard A. Marshack was appointed as the Chapter 11 Trustee of
9 the Estate. Docket No. 65.

10 **C.** On or about February 22, 2023, the Debtor and City executed a Purchase and Sale of
11 Future Receivables agreement whereby the Debtor promised to repay City \$3,000,000.00 in exchange
12 for the advance payment of \$2,000,000.00 less certain fees. City subsequently filed a UCC-1
13 Statement against the Debtor that was recorded on or about March 16, 2023.

14 **D.** On June 27, 2023, City filed Proof of Claim No. 89 ("Claim") as a secured claim in
15 the amount of \$2,950,000.00.

16 **E.** The Trustee has advised City that Adversary Proceeding No. 8:24-ap-1011 has been
17 filed to adjudicate the validity, priority, and extent of security interests of record against the Debtor
18 as of the Petition Date, which would require City to be named as a defendant unless its Claim were
19 amended to be an unsecured claim. To avoid the costs and expense of litigation, the Parties have
20 reached the agreement set forth herein.

21 WHEREFORE, the Parties stipulate, agree and request that the Court enter an Order as
22 follows:

23 **STIPULATION**

24 **1.** City agrees and acknowledges that the Claim is not a secured claim pursuant to 11
25 U.S.C. § 506.

26 **2.** The Parties hereby agree that City will amend the Claim to be an unsecured claim
27 in the amount of \$2,950,000.00 within seven days of the entry of the Order Approving this
28 Stipulation. Once amended, City will not have the ability to amend the Claim further.

1 3. Upon amendment to an unsecured claim, the Parties agree that the Claim will be
2 deemed an allowed, unsecured claim against the Debtor in the amount of \$2,950,000.00 subject
3 only to disallowance pursuant 11 U.S.C. § 502(d). The Parties otherwise reserve all rights and
4 claims except otherwise set forth herein.

5 4. This Stipulation may be executed in one or more counterparts, and facsimile or
6 electronic signatures may be used in filing this document with the Court.

7
8 DATED: March 8, 2024

MAURICE WUTSCHER LLP

9 By: 

10 Alan C. Hochheiser
11 Counsel for City Capital NY, LLC

12 DATED: March 18, 2024

DINSMORE & SHOHL LLP

13
14 By: 

15 Tyler Powell
16 Christopher Celentino
17 Christopher Ghio
18 Yosina M. Lissebeck
19 Special Counsel for Chapter 11 Trustee,
20 Richard A. Marshack
21
22
23
24
25
26
27
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
100 West Main Street, Suite 900, Lexington, Kentucky 40507

A true and correct copy of the foregoing document entitled (*specify*): **Stipulation Between Chapter 11 Trustee and City Capital NY, LLC DBA City Capital NY Regarding Treatment of Proof of Claim No. 89** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 3/19/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Eric Bensamochan eric@eblawfirm.us, G63723@notify.cincompass.com
Ronald K Brown ron@rkbrownlaw.com
Christopher Celentino christopher.celentino@dinsmore.com, caron.burke@dinsmore.com
Shawn M Christianson cmcintire@buchalter.com, schristianson@buchalter.com
Randall Baldwin Clark rbc@randallbclark.com
Leslie A Cohen leslie@lesliecohenlaw.com, Jaime@lesliecohenlaw.com; clare@lesliecohenlaw.com
Daniel A Edelman dedelman@edcombs.com, courtecl@edcombs.com
Christopher Ghio christopher.ghio@dinsmore.com, Kristina.Heller@Dinsmore.com
Jeffrey I Golden jgolden@go2.law, kadele@ecf.courtdrive.com; cbmeeker@gmail.com; lbracken@wgllp.com; gestrada@wgllp.com; golden.jeffreyi.b117954@notify.bestcase.com
Richard H Golubow rgolubow@wghlawyers.com, jmartinez@wghlawyers.com; svillegas@wghlawyers.com
D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
Alan Craig Hochheiser ahochheiser@mauricewutscher.com, arodriguez@mauricewutscher.com
Garrick A Hollander ghollander@wghlawyers.com, jmartinez@wghlawyers.com; svillegas@wghlawyers.com
Razmig Izakelian razmigizakelian@quinnemanuel.com
Joon M Khang joon@khanglaw.com
Ira David Kharasch ikharasch@pszjlaw.com
Nicholas A Koffroth nkoffroth@foxrothschild.com, khoang@foxrothschild.com
David S Kupetz David.Kupetz@lockelord.com, mylene.ruiz@lockelord.com
Christopher J Langley chris@slclawoffice.com, omar@slclawoffice.com; langleycr75251@notify.bestcase.com; ecf123@casedriver.com
Daniel A Lev daniel.lev@gmlaw.com, cheryl.caldwell@gmlaw.com; dlev@ecf.courtdrive.com
Michael D Lieberman mlieberman@lipsonneilson.com
Yosina M Lissebeck Yosina.Lissebeck@Dinsmore.com, caron.burke@dinsmore.com
Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com; ecf.alert+Marshack@titlexi.com
Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
Kenneth Miskin Kenneth.M.Miskin@usdoj.gov
Byron Z Moldo bmoldo@ecjlaw.com, amatsuoka@ecjlaw.com, dperez@ecjlaw.com
Alan I Nahmias anahmias@mbn.law, jdale@mbnlawyers.com
Victoria Newmark vnewmark@pszjlaw.com
Queenie K Ng queenie.k.ng@usdoj.gov
Teri T Pham tpham@epglawyers.com, ttpassistant@epglawyers.com
Douglas A Plazak dplazak@rhlaw.com
Ronald N Richards ron@ronaldrichards.com, 7206828420@filings.docketbird.com
Gregory M Salvato gsalvato@salvatoboufadel.com,

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

calendar@salvatolawoffices.com;jboufadel@salvatoboufadel.com;gsalvato@ecf.inforuptcy.com

Olivia Scott olivia.scott3@bclplaw.com

Jonathan Serrano jonathan.serrano@dinsmore.com

Paul R Shankman PShankman@fortislaw.com, info@fortislaw.com

Leslie Skorheim leslie.skorheim@usdoj.gov

Andrew Still astill@swlaw.com, kcollins@swlaw.com

United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

Sharon Z. Weiss sharon.weiss@bclplaw.com,
raul.morales@bclplaw.com, REC_KM_ECF_SMO@bclplaw.com

Johnny White JWhite@wrslawyers.com, jlee@wrslawyers.com;eweiman@wrslawyers.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On 3/19/2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor

The Litigation Practice Group P.C.
17542 17th St., Suite 100
Tustin, CA 92780

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 3/19/2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA FEDEX

The Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
411 West Fourth Street, Suite 5130
Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

03/19/2024

Tyler Powell

/s/ Tyler Powell

Date

Printed Name

Signature

Additional Parties Served by U.S. Mail

Creditors who have the 20 largest unsecured claims

Debt Validation Fund II, LLC
5075 Lower Valley Road,
Atglen, PA 19310

MC DVI Fund 1, LLC; MC
DVI Fund 2, LLC
598 Cottonwood Dr.,
Glenview, IL 60026

Validation Partners LLC
1300 Sawgrass Pkwy, Ste. 110
Sunrise, FL 33323

Marich Bein LLC
99 Wall Street, Ste 2669
New York, NY 10005

Business Centers of America
1100 Sir Francis Drake Blvd, Ste 1,
Kentfield, CA 94904

JP Morgan Chase
3 Park Plaza, Ste 900
Irvine, CA 92614

CA Franchise Tax Board
PO Box 942857
Sacramento, CA 94257-0511

Outsource Accelerator Ltd
City Marque Limited
Unit 8801-2 Bldg. 244-248
Des Voeux Rd.
Central Hong Kong

Collaboration Advisors
400 Dorla Court
Zephyr Cove, NV 89448

Anthem Blue Cross
PO Box 511300
Los Angeles, CA 90051-7855

Azevedo Solutions Groups, Inc.
420 Adobe Canyon Rd.
Kenwood, CA 95452

Debt Pay Pro
1900 E Golf Road, Suite 550
Schaumburg, IL 60173

Sharp Business Systems
8670 Argent St
Santee, CA 92071

Tustin Executive Center
1630 S Sunkist Steet, Ste A
Anaheim, CA 92806

Exela Enterprise Solutions
2701 E. Grauwyler Road
Irving, TX 75061

Netsuite-Oracle
2300 Oracle Way
Austin, TX 78741

Credit Reporting Service Inc
548 Market St, Suite 72907
San Francisco, CA 94104-5401
Document Fulfillment Services 2930 Ramona Ave #100
Sacramento, CA 95826

Executive Center LLC
5960 South Jones Blvd
Las Vegas, NV 89118

LexisNexus
15500 B Rockfield Blvd
Irvine, CA 92618

Secured Creditors

Diverse Capital LLC
323 Sunny Isles Blvd., Suite 503
Sunny Isles, FL 33154

City Capital NY
1135 Kane Concourse
Bay Harbour Islands, FL 33154

Counsel for secured creditor Fundura Capital Group
Mitchell B. Ludwig
Knapp, Petersen & Clarke
550 North Brand Blvd., Suite 1500 Glendale, CA 91203